

Panaji, 9 th January, 1997 (Pausa 19, 1918)

SERIES I No. 41

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### EXTRAORDINARY

### No. 3

#### GOVERNMENT OF GOA

Department of Finance  
(Revenue & Control Division)

#### Notification

3/1/86-Fin (R&C)

Whereas certain draft rules to amend the Goa, Daman and Diu Entertainment Tax Rules, 1965, were published as required by sub-section (1) of Section 14 of the Goa, Daman and Diu Entertainment Tax Act, 1964 (Act 2 of 1964), in the Official Gazette, Series I No. 36, dated 6-12-1996, Extraordinary, under Notification No. 3/1/86-Fin (R&C) dated 6-12-1996 of the Finance (Revenue and Control) Department, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 15 days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 6-12-1996;

And whereas no objections and suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by Section 14 of the Goa, Daman and Diu Entertainment Tax Act, 1964 (Act 2 of 1964), the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu Entertainment Tax Rules, 1965, namely:—

1. *Short title and commencement*:— (1) These rules may be called the Goa Entertainment Tax (Amendment) Rules, 1997.

(2) They shall come into force at once.

2. *Amendment of rule 3*:— In the Goa, Daman and Diu Entertainment Tax Rules, 1965 (hereinafter referred to as the principal Rules'), in rule 3, for the expression "Union Territory

of Goa, Daman and Diu", the expression "State of Goa" shall be substituted.

3. *Insertion of new rule 16A*:— After rule 16 of the principal Rules, the following shall be inserted, namely:—

"16A. *Approval of tickets*:— Every proprietor who has been allowed to pay the tax under the provisions of clause (b) of sub-section (2) of Section 4 of the Act, shall get the tickets approved by the specified officer on submitting to him the form of indent for approval of tickets in Form 'L'."

4. *Substitution of rule 18*:— For rule 18 of the principal Rules, the following shall be substituted, namely:—

"18. *Returns required under Section 4(2) (a) and (b)*:— Every proprietor making a consolidated payment under clause (a) of sub-section (2) of Section 4 of the Act, shall, within ten days of the date entertainment, submit to the specified officer in his office a return in Form 'B' showing the number of tickets (not being complimentary tickets) issued at each rate, the serial number of tickets issued, the gross amount received from the sale of tickets, and the amount of tax payable to the Government and every proprietor making payment in accordance with returns of payments for admission under clause (b) of the said sub-section (2) of Section 4 shall submit such return in Form 'B' for every week to the specified officer within three days of the end of the week alongwith the proof of payment of tax and surcharge payable thereof. He shall, if so required by the specified officer, also submit to the said officer, within ten days of the date of entertainment, a return in Form 'C' showing the price of programme or synopsis including tax, the number of programme or synopsis issued, the gross amount received from the sale thereof and the amount of tax payable to the Government."

5. *Insertion of new rule 18A*:— After rule 18 of the principal Rules, the following shall be inserted, namely:—

"18A. *Destruction of books containing counterfoils of tickets totally sold*:— Every proprietor who has been allowed to

pay the tax under the provisions of clause (b) of sub-section (2) of Section 4 of the Act, shall maintain the weekly account of the destruction of the first counterfoils of tickets i. e. the part with the proprietor of the completely sold ticket books, in a register in Form 'M'.

6. *Substitution of rule 21.*— For rule 21 of the principal Rules, the following shall be substituted, namely:—

"21. *Payments under section 4 (2).*— (1) All payments made in accordance with the provisions of clauses (b) and (c) of sub-

-section (2) of Section 4 of the Act, shall be made to the specified officer within ten days of the date of the entertainment at such time and place and in such manner as he shall require.

(2) All payments made in accordance with the provisions of clause (b) of sub-section (2) of Section 4 of the Act, shall be made to the specified officer for every week within three days of the end of the week."

7. *Addition of new Forms.*— In the principal Rules, after Form 'K' appended thereto, the following Forms shall be added, namely:—

"FORM 'L'

(See rule 16A)

(Name and address of the theatre)

Form of indents for approval of tickets

Rate of tickets		CLASS OF STALL		SHOW - 10.30 a. m./12.00 a. m./2.30 p. m./6.30 p. m./9.30 p. m.	
Details of tickets		Rate of admission/Ent.Tax/Surcharge			
Day/Date	Colour & series	Book No.	Serial No. of tickets approved From.....to.....		No. of tickets
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					
Date of approval		Signature of Manager		Signature of Specified Officer	

FORM "M"

(See rule 18A)

Register for destruction of books totally sold for the week ending from.....to .....

						1st Show/2nd Show/3rd Show/4th Show/5th Show		
Day & Date	Series	Book No.	Opening No.	Closing No.	Total No. of tickets	Date of approval	Page No.	Period for book used
Monday								
Tuesday								
Wednesday								
Thursday								
Friday								
Saturday								
Sunday								

Date of payment of Ent. Tax \_\_\_\_\_ Receipt No. \_\_\_\_\_

Date of destruction \_\_\_\_\_ Signature of Specified Officer \_\_\_\_\_ Signature of Manager \_\_\_\_\_

By order and in the name of the Governor of Goa.

S. V. Madkaikar, Under Secretary (Fin-Exp).

Panaji, 7th January, 1997.

Department of Panchayat Raj and Community  
Development

CHAPTER-II

Election

Directorate of Panchayats

Notification

7/DP/GP/ELECT/S&DS/96

The following draft rules which the Government proposes to make under Section 46 read with Section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), are hereby pre-published as required by sub-section (1) of Section 240 of the said Act, for information of the persons likely to be affected thereby and notice is hereby given that the said Draft Rules will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said Draft Rules may be forwarded to the Secretary to the Government of Goa, Panchayat Department, Secretariat, Panaji, before the expiry of fifteen days from the date of publication of this Notification in the official Gazette.

DRAFT RULES

In exercise of the powers conferred by Section 46 read with sub-section (1) of Section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

CHAPTER - I

Preliminary

1. *Short title and commencement.*— (1) These rules may be called the Goa Panchayat (Election of Sarpanch and Deputy Sarpanch) Rules, 1997.

(2) They shall come into force at once.

2. *Definition.*— In these rules, unless the context otherwise requires,—

- (a) "Act" means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);
- (b) "Election" means an election to elect a Sarpanch and/or Deputy Sarpanch of a Panchayat;
- (c) "Presiding Officer" means and includes the Officer appointed by the Director for the purpose;
- (d) "Section" means a section of the Act;
- (e) Words and phrases used but not defined shall have the same meaning as assigned to them in the Act.

3. *Meeting for election of Sarpanch and/or Deputy Sarpanch.*— The election of Sarpanch and/or Deputy Sarpanch of a Panchayat shall be held in the Office of the Panchayat at a meeting of the members of the Panchayat specially convened for the purpose by the Government and presided over by the Presiding Officer as specified by the Government in this behalf.

4. *Date of meeting.*— On being informed of the date fixed for first meeting of the Panchayat under sub-section (1) of Section 46 of the Act, the Presiding Officer appointed for the purpose shall fix the hour of the meeting and communicate it to the Panchayat members and the Secretary of the Panchayat.

5. *Notice of meeting.*— (1) The Presiding Officer shall give to the Panchayat members and the Secretary of the Panchayat clear days notice of the meeting referred to in rule 4.

The said notice shall state—

- (a) the place and date on which and the hours between which the nomination papers shall be filed;
- (b) the place and date on which and the hours between which the nomination papers shall be taken up for scrutiny;
- (c) the place and the date on which and the hours between which a validly nominated candidate may withdraw his candidature; and
- (d) the place and date on which and the hours between which a poll shall be taken, should it be required.

(2) The notice shall be, if practicable, served by the Secretary of the Panchayat personally by delivering or tendering it to the member to whom it is addressed or if such member is not found, by leaving it at his last known place of residence or business or by giving or tendering the notice to some adult member or servant of his family. If none of the aforesaid modes of serving notice is feasible, the notice shall be affixed in some conspicuous part of the building in which the member ordinarily resides or carries on business. Such notice shall also be exhibited by affixing it on the notice board of the Panchayat.

6. *Filing of nomination.*— (1) The nomination of every candidate for the post of Sarpanch and/or Deputy Sarpanch shall be made before the Presiding Officer by means of a nomination paper in the form as specified in Schedule I hereto.

(2) Every nomination paper shall be signed by two members, proposer and seconder respectively and the candidate shall sign a declaration on it expressing his willingness to stand for election.

(3) Each candidate shall be nominated by a separate nomination paper.

(4) Every nomination shall be presented to the Presiding Officer by the candidate or his proposer or seconder on the date.

at the place and during the hours specified in the notice for filing nomination papers.

(5) Immediately after the date and time for receipt of nomination papers is over, the Presiding Officer shall publish a list, in the form as specified in Schedule II hereto, containing the names of candidates whose nominations have been received under the foregoing sub-rule.

*Scrutiny of nomination papers.*— (1) On the date appointed for the scrutiny of nominations, the candidate, his proposer and seconder may attend at such place and time as is specified in notice, for the scrutiny of nomination papers and the Presiding Officer shall give such persons all reasonable facilities to examine the nomination papers of all the candidates which have been received as aforesaid.

(2) The Presiding Officer shall then examine the nomination papers and shall decide all objections which may be made at that time any nomination and may, either on such objection, or on his own motion and after such enquiry, if any, as he may deem necessary, reject any nomination on any one or more of the following grounds, namely:—

- (a) that the candidate is not eligible for election as Sarpanch and/or Deputy Sarpanch under the provisions of the Act;
- (b) that the candidate suffers from any of the disqualifications mentioned in section 10 of the Act;
- (c) that the proposer or seconder, as the case may be, is a person who is not a member of the Panchayat;
- (d) that the nomination of a candidate shall not be validly made merely on the ground of an incorrect description of his name or of the name of his proposer or seconder, or of any other particulars relating to the candidate or his proposer or seconder, if the identity of the candidate, proposer or seconder, as the case may be, can otherwise be established beyond reasonable doubt.

(3) The Presiding Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of reasons for such objection.

8. *Publication of the list of non-nominated candidates.*— The Presiding Officer shall, before the time fixed for the meeting for election, cause to be published a list containing the names of the validly nominated candidates in the form as specified in Schedule II hereto, by affixing it on the Notice Board of the Panchayat.

*Withdrawal of candidature.*— A candidate may withdraw his candidature by giving a notice in writing to that effect to the Presiding Officer within the time limit as specified in clause (c) of sub-rule (1) of rule 5. The notice of withdrawal shall be as prescribed in Schedule IV hereto.

10. *Procedure after publication of the list of validly nominated candidates.*— (1) If, there remains after withdrawal, only one validly nominated candidate, there shall be no voting and such

candidate shall be declared to have been duly elected as the Sarpanch and/or Deputy Sarpanch of the Panchayat as the case may be.

(2) If there are two or more such candidates, an election shall be held by secret Ballot and votes of the members present at the meeting shall be taken.

11. *Voting and result of election.*— (1) The Presiding Officer shall cause such arrangements to be made so as to ensure the secrecy of the ballot, referred to in sub-rule (2) of rule 10.

(2) Every member wishing to vote shall be supplied with a ballot paper duly authenticated by the seal and signature of the Presiding Officer, on which names of duly nominated candidates as per rule 8 above shall be printed/typed, cyclostyed or legibly written in English or Devnagari script in the alphabetical order of their names as in Roman script in the form as specified in Schedule V hereto.

(3) Every member shall place a cross mark (x) in column (1) of the ballot paper against the name of candidate for whom he wishes to vote, with a pencil of any colour:

Provided that if a member is illiterate or unable to vote in the above manner on account of illiteracy, the Presiding Officer shall, at the request of such member, make the mark on the ballot paper according to the directions of such member.

(4) The member shall then fold up the Ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Presiding Officer or hand over the same to the Presiding Officer.

(5) Every member wishing to record his vote shall do so in person and not by proxy.

(6) The Presiding Officer shall, after the voting is over

- (a) count the votes in presence of such members as may be present and declare the candidate securing the largest number of valid votes to have been elected;
- (b) in the event there is an equality of votes between the candidates, draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

12. *Validity of the ballot paper.*— Any ballot paper which bears any mark or signature of any of the voting member by which the voter may be identified or on which the mark (x) is placed against more than one name or in an ambiguous manner or which does not bear the Official seal and signature referred to in sub-rule (2) of rule 11, shall be invalid.

13. *Preparation of record of proceedings and publication of result of election.*— Immediately after the meeting for election, the Presiding Officer shall,—

- (a) prepare a record of the proceedings at the meeting and sign it, attesting with his initials every correction made

therein and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so;

- (b) publish on the notice board of the Panchayat, a notification signed by him stating the name of the person elected as Sarpanch and/or Deputy Sarpanch, as the case may be and send a copy of such notification in duplicate to the Director. Such Notification shall be in the form as specified in the Schedule VI hereto.
- (c) the Director shall arrange to publish the names of Sarpanchas and/or Deputy Sarpanchas in the Official Gazette.

14. *Packing and preservation of election record.*— (1) The Presiding Officer shall then make packets of the ballot papers and other papers relating to the election, seal up the packets and note thereon a description of the contents, the election to which they relate and the date thereof, and send the same to the Director.

(2) The packets shall be retained in safe custody in the office of the Director for a period of one year and shall then, unless otherwise directed by a competent authority or Court, be destroyed.

15. *Adjourned meeting.*— If, at a meeting called for the election of a Sarpanch and/or Deputy Sarpanch, as the case may be, no Sarpanch and/or Deputy Sarpanch is elected for any reason whatsoever, the Presiding Officer shall adjourn the same to another date to be notified by the Government in due course.

16. *Dispute regarding election.*— (1) In the event of a dispute arising as to the validity of the election of the Sarpanch and/or the Deputy Sarpanch as the case may be, the dispute shall be referred to such authority as may be specified by the Government under sub-section (5) of Section 46 of the Act and the decision of such authority thereon shall be final:

Provided that no such reference shall be entertained by the specified authority, if the same is not filed in the form of an election petition duly verified by the Petitioner, within a period of 15 days from the date of declaration of result as aforesaid.

(2) The specified authority, in deciding a reference under sub-rule (1), shall have the same powers and shall follow the same procedure as is provided for deciding election petitions under the provisions of the Goa Panchayat Raj Act, 1994.

(3) An order passed under this rule shall be final and conclusive as to the dispute referred to in sub-rule (1).

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary,

Panaji, 7th January, 1997.

SCHEDULE - I

[See sub-rule (1) of rule 6]

Nomination form for Election as Sarpanch/Deputy Sarpanch

- (1) Name of the Panchayat.....
- (2) Full name of the candidate.....
- (3) Father's or Husband's name.....
- (4) Age.....
- (5) Sex.....
- (6) Address.....
- (7) Full name and address of the proposer.....
- (8) Full name and address of the seconder.....

(1) Signature of the proposer (2) Signature of the seconder

Date:

Date:

Place:

Place:

CANDIDATE'S DECLARATION

I, the above named candidate, give my consent to this nomination.

Date:

Signature of the candidate

Place:

ENDORSEMENT BY THE PRESIDING OFFICER

Serial number.....

This nomination paper was presented to me by ..... (name) at ..... (hour)..... (on)..... (date)

Date:

Place:

Signature of the Presiding Officer

Serial No.....

Received nomination paper of Shri/Smt..... for election as Sarpanch/Deputy Sarpanch of Village Panchayat, proposed and seconded by (1)..... and (2)..... respectively, which was presented to me at..... (place) at..... (time) this day of ..... 19..... by Shri.....

Signature of the Presiding Officer

SCHEDULE-II

[See rule 6 (5)]

List of candidates proposed for nomination of election as Sarpanch/Deputy Sarpanch of Village Panchayat.

Sr. No.	Name of Candidate	Address of Candidate	Remarks
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date:

Place:

Signature of the Presiding Officer

SCHEDULE III

(See rule 8)

List of the candidates validly nominated for election as Sarpanch/  
/Deputy Sarpanch of Village Panchayat.

Sr. No.	Name of Candidate	Address of Candidate	Remarks
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date:

Place: *Signature of the Presiding Officer*

FORM IV

NOTICE OF WITHDRAWAL

(See rule 9)

Election to the..... of Panchayat.

To  
The Returning Officer

..... Village Panchayat.

Sub:- Withdrawal of Candidature.....

Sir,

I, the undersigned, Shri ..... a  
candidate validly nominated for the post of Sarpanch/Deputy Sarpanch  
of ..... Panchayat, do hereby give notice that, I withdraw  
my candidature.

Yours faithfully,

Place: \_\_\_\_\_  
Date: *Signature of Candidate*

This notice was delivered to me at .....(hours) on .....  
(date) by ..... (name) of the Candidate.

Date: *Signature of Presiding Officer*

Receipt for Notice of Withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by..... a candidate at the  
election to the ....., was delivered to me by the  
.....at .....(hours) on .....(date)

*Signature of Presiding Officer*

SCHEDULE V

[See rule 11 (2)]

Ballot Paper

Village Panchayat

*Signature and seal of the  
Presiding Officer*

Sr. No.Name of the candidate with the name For mark (X) by Voter  
of father or husband and residence.

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)

SCHEDULE VI

Notification

[See rule 13 (b)]

In view of powers conferred by clause (b) of Rule 13 of the Goa  
Panchayat (Election of Sarpanch and Deputy Sarpanch) Rules 1996, I  
the Presiding Officer do hereby declare that the persons specified in  
columns No. 2 and 3 of the Schedule below are duly elected as Sarpanch  
and Deputy Sarpanch of the Village Panchayat mentioned in column No.  
1 of the said schedule.

SCHEDULE

Name of Village Panchayat	Name of Sarpanch and his address	Name of Deputy Sarpanch and his address
1	2	3

Place: \_\_\_\_\_  
Date \_\_\_\_\_ *Presiding Officer*

Copy to the Director of Panchayats, Panaji